

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

IN RE BAYCOL PRODS. LITIG. )  
This Document Relates to: ) MDL No. 1431  
                                  ) (MJD/SRN)  
                                  )  
*United States ex rel. Simpson v. Bayer Healthcare,* )  
*et al.*, MDL Case. No. 08-5758 )

**DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME**

Defendants Bayer Corporation and Bayer AG, by their undersigned counsel, respectfully request that the Court extend the date by which Defendants must file a Reply in Support of their Motion to Dismiss by seven days to November 13, 2009. In support of their motion, Defendants state:

- 1) On September 1, 2009, this Court entered an Order setting a briefing schedule for Defendants' Motion to Dismiss this action. *See* Docket Doc. No. 28.
- 2) The Court's briefing schedule provided that Defendants must file their motion by August 31, 2009, Ms. Simpson must file her response by October 15, 2009, and Defendants must reply by November 6, 2009. *See id.*
- 3) In accord with that schedule, Defendants filed their motion to dismiss and memorandum in support on August 31, 2009 (Docket Doc. Nos. 26, 27), and Ms. Simpson filed her response on October 15, 2009 (Docket Doc. No. 29).
- 4) Due to the schedules of counsel for Defendants, Defendants respectfully request that the time by which they must file their Reply be extended by seven (7) days to November 13, 2009.

5) Counsel for Defendants has inquired with counsel for Ms. Simpson, and counsel for Ms. Simpson has no objection to the requested extension.

WHEREFORE, for the reasons stated, Defendants respectfully request that the Court issue an Order granting Defendants to and including November 13, 2009 to file a Reply in support of their Motion to Dismiss.

Respectfully submitted,

Philip S. Beck  
Adam Hoeflich  
BARTLIT BECK HERMAN  
PALENCHAR & SCOTT LLP  
54 W. Hubbard Street, Suite 300  
Chicago, IL 60603  
(312) 494-4400

Karma M. Giulianelli  
BARTLIT BECK HERMAN  
PALENCHAR & SCOTT LLP  
1899 Wynkoop Street, 8th Floor  
Denver, Colorado 80202  
(303) 592-3165

/s/ signature on file  
Susan A. Weber  
James R.M. Hemmings  
SIDLEY AUSTIN LLP  
One South Dearborn Street  
Chicago, Illinois 60603  
(312) 853-7000

Peter W. Sipkins  
DORSEY & WHITNEY LLP  
50 S. Sixth St., Ste 1500  
Minneapolis, MN 55402  
(612) 340-2600

*Counsel for Defendants*

CERTIFICATE OF SERVICE

I, David L. Barlett, certify that true and correct copies of the foregoing  
Unopposed Motion for Extension of Time was electronically filed and served on  
November 6, 2009.



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